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THE INTERIM

A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

OCTOBER 1983

PLEASE RETURN

VOL. IV., NO. 5

1983 SESSION LAWS

ARRIVE
SEPTEMBER 28

The 3-volume, 2,254-page set of the 1983 Session Laws arrived September 28. Shipping to legislators, state and county officials, and subscribers began the same day.

AGRICULTURAL LANDS TAXATION SUBCOMMITTEE

MEETING HELD
SEPTEMBER 10

The Agricultural Lands Taxation Subcommittee met September 10 in Helena. Senator Elmer Severson was elected chairman after three votes. Representative Glenn Jacobsen was elected vice-chairman.

ADVISORY COUNCIL
REPORT HEARD

The Subcommittee reviewed and adopted a draft study plan. The members also were presented a staff report on the legal aspects of agricultural land taxation. Nancy Espy, chair of the Advisory Council on Agricultural Land Valuation, reported to the Subcommittee the activities of the Advisory Council. The Subcommittee set December 9 and 10 as its next meeting dates. These dates coincide with a tax classification seminar to be conducted by the Revenue Oversight Committee and the Lincoln Institute of Land Policy.

DECEMBER DATE SET

JOINT SUBCOMMITTEE NO. 2

COMMITTEE
ORGANIZED -
DECEMBER MEETING
DATE SET

Representative Bob Marks, Chairman, has set the date for the next meeting as Thursday, December 8. The committee will convene in Room 104 at 8:30 a.m. Subcommittee No. 2 is charged with conducting the studies of navigability and of state lands.

JOINT SUBCOMMITTEE NO. 3

COMMITTEE
ORGANIZED
SEPTEMBER 16
STATE DOCUMENTS COLLECTION

At its organizational meeting September 16, Joint Interim Subcommittee No. 3 elected Representative Ted Neuman as chairman and Senator Reed Marbut as vice-chairman. As acting chairman for the first meeting, Senator Tom Towe presided for the remainder of the

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COURT
UNIFICATION

PENSION OVERSIGHT

INSURANCE ISSUES
FOCUSED

meeting. Staff presented proposed study plans for: state investments (HJR 4); court unification (SJR 25); insurance laws (HJR 29); and public pensions (HJR 44). The Subcommittee invited public review of each plan and discussed various additions to the plans. The study plan for court unification was amended to include a review of states rejecting unification and a discussion of the disadvantages of implementing a unified system. Suggested additions to the study plan for public pensions included research on the role of actuarial assumptions and a review of past studies on this topic. The Subcommittee stressed the need for a public hearing on the issue of unisex insurance and for monitoring of federal legislation and court action in this area, but directed staff to focus primarily on enforcement problems of the mandatory motor vehicle liability laws. The Subcommittee selected January 12 and 13 as the next meeting date.

JOINT SUBCOMMITTEE NO. 4

SEPTEMBER 9
ORGANIZATIONAL
MEETING HELD

PLANNING WORK
DONE

Joint Interim Subcommittee No. 4 held an organizational meeting on September 9 and elected Senator Joe Mazurek as chairman and Representative Bob Pavlovich as vice-chairman. Following staff presentations of proposed study plans for teacher tenure (HJR 43), community colleges (HJR 45), and employment preference (HJR 41), the Subcommittee invited public comment on the various plans. Staff presented a background report on the employment preference issue.

During discussion of the study plan for teacher tenure, the Subcommittee approved the inclusion of teacher evaluation as a study topic. Discussion of the study plan for community colleges centered on whether to limit the study to a review of recent studies on the topic and to the question of considering the colleges as state agencies for legislative audit purposes. Subcommittee members suggested that the employment preference study include research on employment selection procedures and on the residency requirement.

Following approval of the three proposed study plans, staff presented a proposed meeting and work schedule. The Subcommittee discussed the staff suggestion that the second meeting be scheduled for January to allow adequate time for thorough background presentations on the employment preference and teacher tenure studies. The Subcommittee approved the proposed meeting plan but did not set a date for the January meeting.

JANUARY MEETING
PLANNED

SELECT COMMITTEE ON WATER MARKETING

OCTOBER 1
MEETING HELD

The second meeting of the Select Committee on Water Marketing was set for Saturday, October 1. The meeting was scheduled to begin at 9:00 a.m. in Room 325 of the Capitol.

The topic of this meeting was the legal framework and the many legal questions that pertain to water marketing and Montana's water policy. Several attorneys with special knowledge of water law were asked to discuss these issues with the committee.

SELECT COMMITTEE ON INDIAN AFFAIRS

OCTOBER 27
MEETING SCHEDULED

The committee's next meeting is scheduled for Thursday, October 27, 1983, in Room 104 of the state capitol. Agenda items for this meeting include: (1) a review of the status of state-tribal cooperative agreements in Montana; (2) a presentation by Margery Brown, School of Law, University of Montana, on the structure and operation of tribal courts; and (3) an examination of problems involved in obtaining treatment at state facilities for mentally ill tribal members including involuntary commitment procedures.

COAL TAX OVERSIGHT SUBCOMMITTEE

GROUP TO MEET
WITH NORTH DAKOTA
LEGISLATORS

A meeting with the North Dakota Legislature's Special Committee on the Beach-Wibaux Project is set for October 20 at Beulah, North Dakota, during the Coal Tax Oversight Subcommittee's tour of the Great Plains Coal Gasification Plant. The meeting is part of the fulfillment of the mandate expressed in HJR 2 by the 1983 Legislature. After touring the Great Plains plant, which is scheduled for completion late next year, CTO committee members will fly back to Wibaux for a public meeting on the evening of October 20 to discuss the anticipated impacts of the coal gasification plant that Tenneco Coal Company proposes to build there. On the morning of October 21, Tenneco will guide committee members on a tour of the proposed mining units, plant site, and Yellowstone River diversion.

OCTOBER 20
WIBAUX MEETING
SET

NOVEMBER 18
MEETING

The Coal Tax Oversight Subcommittee will meet in Room 104 of the capitol on Friday, November 18, to hear reports from the Department of Natural Resources and Conservation and the Coal Board.

ADMINISTRATIVE CODE COMMITTEE

SEPTEMBER 23
MEETING HELD

The Administrative Code Committee met on September 23 and conducted a half-day meeting covering various committee business. The committee heard presentations by representatives of the Secretary of State's office and the Department of Health and Environmental Sciences concerning the duty of state agencies to publish the full text of proposed rules in the Montana Administrative Register. The committee was also asked, by the Department of Labor and Industry, to approve a Department rule concerning the Legislature's intent in passing Senate Bill 210, providing for use of part of employers' contributions to the unemployment insurance fund for support of Job Service offices. In other business the committee heard a status report on a lawsuit filed by several nursing homes against the Department of Social and Rehabilitation Services to prevent the enforcement of certain medicaid reimbursement rules, approved a memo to be sent to agency directors and counsels reminding them of changes in the Montana Administrative Procedure Act effective October 1, 1983, and reviewed those proposed and adopted rules published in issues 10 through 15 of the Montana Administrative Register.

ENVIRONMENTAL QUALITY COUNCIL

EQC MEETINGS

The Environmental Quality Council will hold its next meeting in Livingston on Friday, October 7, beginning at 3:00 p.m. at the Yellowstone Motor Inn. The Council will be in Livingston attending the Innovative Energy Financing in the Eighties Conference which is being sponsored in part by the Department of Natural Resources and Conservation. Agenda items for the EQC meeting will include an update on the status of renewable energy development at the state and federal level and other Council business.

The EQC Natural Resources Oversight Subcommittee will hold a joint meeting with the Hard-Rock Mining Impact Board in Jardine on October 7 at noon. The Natural Resources Oversight Subcommittee will also meet on October 7 beginning at 7:00 a.m., and the Water Oversight Subcommittee will convene at 8:00 a.m. Both meetings will be held at the Yellowstone Motor Inn. The Subcommittee on Toxic Substances will tour the Energy from Waste Facility and reconvene to receive a briefing on the status of hazardous waste programs in the state.

LEGISLATIVE FINANCE COMMITTEE

SEPTEMBER 24 MEETING

The Legislative Finance Committee met September 24. A brief description of the major topics follows:

BUDGET AMENDMENTS

To date, the committee has discussed 63 budget amendments for the current year's budget. The committee found no fault with the budget director's certification on 47, or 75 percent, of these budget amendments. In comparison to the same time in fiscal 1982, the number of budget amendments before the committee has increased 125 percent, from 28 to 63.

RESOURCE INDEMNITY TRUST INTEREST FUNDS (RIT)

Staff reported to the committee that the Department of State Lands has altered the funding sources within its state special revenue fund appropriation. This results in \$40,000 more RIT funds being appropriated for the department operations than intended by the Legislature.

VO-TECH CENTER FUNDING

A final report for House Joint Resolution 46 (1981), which was the Legislative Finance Committee study of Vo-tech centers' funding, was presented. Action will be taken at the November 4 and 5 meeting.

MEDICAID - NURSING HOMES

The Department of Social and Rehabilitation Services has reduced the inflation factors for the nursing home formula to 6 percent in fiscal 1984 and 7.5 percent in fiscal 1985. The Legislature had anticipated the increase being 6 percent in fiscal 1984 and 9 percent in fiscal 1985. This reduction saves the medicaid program \$300,000 total funds, or about \$114,000 general fund, over the 1985 biennium. Prior to the 1983 Legislature, SRS had established an administrative rule at 9 percent formula inflation for fiscal 1984 and fiscal 1985. Nursing homes have now filed suit asking for 9 percent inflation in the formula each year. Both SRS and nursing homes agree that if the nursing homes win the lawsuit, the increased cost for the 1985 biennium will be approximately \$3 million total funds, of which \$1,140,000 would be general fund dollars.

MEDICAID CO- PAYMENTS

A report was prepared on "other medicaid" to answer questions received from legislators about co-payments. SRS says it projects a \$3.9 million shortfall in fiscal 1984. The co-payment and provider freeze implemented by the department would save \$1.8 million. Of the SRS projected shortfall, no department statements were made on how they planned to handle the remaining \$2.0 million shortfall.

SRS did not provide the assumptions upon which they based the projected shortfall, so the Legislative Fiscal Analyst's staff was not able to present any analysis as to whether the SRS assumptions of a shortfall were reasonable.

FIVE-STATE CONFERENCE

LEGISLATORS ATTEND IN CODY

Seventeen Montana legislators met with their colleagues from the Dakotas, Nebraska, and Wyoming at the Five-State Conference in Cody, Wyoming, September 25-27. Water policies, children's issues, tax issues, economic development and tourism, health care cost containment, and legislative staff services were discussed by the delegates.

RESOLUTIONS ADOPTED

A number of resolutions were adopted by the conference. Among them were resolutions supporting continuation of the Pick-Sloan Irrigation Project, proposing greater uniformity among the states' livestock sanitation laws, continuing the Five-State Water Task Force, opposing a proposed tax on electricity production for acid rain reduction, opposing diversion of public power generation revenues to urban water system improvement in the east, supporting the leadership and policy guidance of Secretary Watt, and supporting cooperation in economic development. Copies of resolutions may be obtained from the Legislative Council.

The Conference accepted the invitation of Nebraska to host the Conference in 1985.

LEGISLATIVE INTERIM CALENDAR

October						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1 Select Com. on Water Marketing--San All Day Old Supreme Court Chambers
2	3 Legislative Audit Committee Rm 104-All Day	4	5	6	7 Environmental Quality Council Livingston, MT.	8
9	10 Columbus Day	11	12	13	14	15
				Public Service Commission Mountain Bell Hearings -- 9 a.m. - 5 p.m. Senate Chambers		
16	17	18	19	20	21	22
23	24	25	26	27 Select Committee on Indian Affairs Room 104 9:00 a.m.	28	29
	30	31				

*All meetings are subject to change.

LEGISLATIVE INTERIM CALENDAR

November

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2	3	4	5
6	7	8	9	10 Revenue Oversight Room 104	11	12
13	14	15	16	17	18 Coal Tax Oversight Com. Rm. 104-All Day	19
20	21	22	23	24 Thanksgiving Day	25	26
27	28	29	30			

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